

SECOND REGULAR SESSION

HOUSE BILL NO. 2076

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor), ZERR, CRAWFORD, RIDDLE,
BRANDOM, FRANKLIN, BLACK, KRATKY, McGEORGHEGAN, BROWN (85), LICHTENEGGER,
ENTLICHER, PARKINSON, DIEHL, BROWN (116), JONES (89),
MEADOWS AND KELLEY (126) (Co-sponsors).

6225L.01H

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 34 and 188, RSMo, by adding thereto two new sections relating to preferences in governmental contracts for persons who contribute to alternatives to abortion services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 34 and 188, RSMo, are amended by adding thereto two new
2 sections, to be known as sections 34.085 and 188.320, to read as follows:

34.085. 1. In purchasing or contracting for any supplies, equipment, or services,
2 **all agencies, departments, institutions, and other entities of this state and each political**
3 **subdivision of this state, and agents thereof with procurement power, shall give a bidding**
4 **preference of up to five bonus points or up to five percentage points to any person who or**
5 **organization which makes a contribution or contributions of a certain level to an**
6 **alternatives to abortion agency or to the alternatives to abortion support fund established**
7 **in section 188.320.**

8 **2. To qualify for a bidding preference, the contribution or contributions shall:**

9 **(1) Have been made by the person or organization to an alternatives to abortion**
10 **agency or agencies within the twelve-month period preceding the date the proposal or bid**
11 **is due to be submitted; or**

12 **(2) Be made by the person or organization to the alternatives to abortion support**
13 **fund within the twelve-month period subsequent to the date the award is made or the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

contract is let. In the case of a multiyear award or contract, contributions may be made on a pro-rata basis annually in proportion to the total value of the award or contract.

3. The office of administration shall maintain and publicize a list of alternatives to abortion agencies to which contributions can be made under this section. The office of administration shall develop model forms which may be used to verify that a contribution was made to an alternatives to abortion agency or to the alternatives to abortion support fund. The office of administration shall develop a process or procedures for making a contribution to the alternatives to abortion support fund, which may include making a contribution online.

4. A bidding preference of one to five bonus points or of one to five percentage points shall be given based on the value of the governmental award or contract in relation to the amount of the contribution or contributions that were made or which will be made by the person or organization who or which is bidding, in accordance with the following table:

Value of Award or Contract	Contribution Amount	Bonus Points	Percentage Points
\$10,000 - \$24,999	\$1,000	5	5%
	\$800	4	4%
	\$600	3	3%
	\$400	2	2%
	\$200	1	1%
\$25,000 - \$49,999	\$2,500	5	5%
	\$2,000	4	4%
	\$1,500	3	3%
	\$1,000	2	2%
	\$500	1	1%
\$50,000 - \$74,999	\$5,000	5	5%
	\$4,000	4	4%
	\$3,000	3	3%
	\$2,000	2	2%
	\$1,000	1	1%
\$75,000 - \$99,999	\$7,500	5	5%
	\$6,000	4	4%
	\$4,500	3	3%
	\$3,000	2	2%
	\$1,500	1	1%

50	\$100,000 - \$249,999	\$10,000	5	5%
51		\$8,000	4	4%
52		\$6,000	3	3%
53		\$4,000	2	2%
54		\$2,000	1	1%
55	\$250,000 - \$499,999	\$25,000	5	5%
56		\$20,000	4	4%
57		\$15,000	3	3%
58		\$10,000	2	2%
59		\$5,000	1	1%
60	\$500,000 - \$749,999	\$50,000	5	5%
61		\$40,000	4	4%
62		\$30,000	3	3%
63		\$20,000	2	2%
64		\$10,000	1	1%
65	\$750,000 - \$999,999	\$75,000	5	5%
66		\$60,000	4	4%
67		\$45,000	3	3%
68		\$30,000	2	2%
69		\$15,000	1	1%
70	\$1,000,000 - \$1,999,999	\$100,000	5	5%
71		\$80,000	4	4%
72		\$60,000	3	3%
73		\$40,000	2	2%
74		\$20,000	1	1%
75	\$2,000,000 - \$2,999,999	\$200,000	5	5%
76		\$160,000	4	4%
77		\$120,000	3	3%
78		\$80,000	2	2%
79		\$40,000	1	1%
80	\$3,000,000 and above	Contribution of		
81		10% of the value		
82		of the award/contract		
83		rounded down to		
84		the nearest		
85		million dollars	5	5%
86		Contribution of		

87 **8% of the value**
88 **of the award/contract**
89 **rounded down to**
90 **the nearest**
91 **million dollars 4 4%**

92
93 **Contribution of**
94 **6% of the value**
95 **of the award/contract**
96 **rounded down to**
97 **the nearest**
98 **million dollars 3 3%**

99
100 **Contribution of**
101 **4% of the value**
102 **of the award/contract**
103 **rounded down to**
104 **the nearest**
105 **million dollars 2 2%**

106
107 **Contribution of**
108 **2% of the value**
109 **of the award/contract**
110 **rounded down to**
111 **the nearest**
112 **million dollars 1 1%**

113

114 **5. As used in this section, "alternatives to abortion agency" means:**

115 **(1) A maternity home as defined in section 135.600;**

116 **(2) A pregnancy resource center as defined in section 135.630; or**

117 **(3) An organization located in this state which is exempt from income taxation**
118 **under the United States Internal Revenue Code, which is operating primarily for the**
119 **purpose of researching, producing, and disseminating educational messages for print,**
120 **radio, television, the internet, and other media to promote alternatives to abortion services**
121 **and to reduce the number of abortions.**

122 **6. The commissioner of administration may adopt rules and regulations to**
123 **implement and administer the provisions of this section. Any rule or portion of a rule, as**

124 that term is defined in section 536.010 that is created under the authority delegated in this
125 section shall become effective only if it complies with and is subject to all of the provisions
126 of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are
127 nonseverable and if any of the powers vested with the general assembly pursuant to
128 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
129 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
130 proposed or adopted after August 28, 2012, shall be invalid and void.

188.320. 1. There is established in the state treasury the "Alternatives to Abortion
2 Support Fund". The state treasurer shall credit to and deposit in such fund:

- 3 (1) Moneys that may be required by law to be credited to or deposited in such fund;
- 4 (2) Moneys that may be appropriated to it by the general assembly;
- 5 (3) Other amounts that may be received from general revenue, other state funds,
6 grants, gifts, contributions, devises, bequests, settlements, awards, or from federal, state,
7 or local sources; and
- 8 (4) Any other sources granted or given for this specific purpose.

9 2. The state treasurer shall invest moneys in the alternatives to abortion support
10 fund in the same manner as surplus state funds are invested under section 30.260. All
11 earnings that result from the investment of moneys in the fund shall be credited to such
12 fund.

13 3. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the
14 alternatives to abortion support fund shall not revert to the credit of general revenue at the
15 end of the biennium.

16 4. Moneys credited to and deposited in the alternatives to abortion support fund
17 shall only be used for the purposes authorized pursuant to this section. None of the moneys
18 in the fund shall be used to perform or induce, assist in the performing or inducing of or
19 refer for abortions. None of the moneys in the fund shall be granted to organizations or
20 affiliates of organizations that perform or induce, assist in the performing or inducing of
21 or refer for abortions.

22 5. The alternatives to abortion support fund shall be subject to appropriation and
23 shall be used to encourage childbirth over abortion and to support alternatives to abortion
24 by funding:

- 25 (1) The alternatives to abortion services program established in section 188.325;
- 26 (2) The alternatives to abortion public awareness program established in section
27 188.335; or
- 28 (3) Such other programs or services permitted by law or by appropriation
29 consistent with the purposes of this section.

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